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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 20 2021

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

No. **2:21-CR-97-SMJ**

10 Plaintiff,

INDICTMENT

11 v.

12 JOSEPH THOMAS SCHMITZ,
13
14 Defendant.

15 18 U.S.C. § 2251(a), (e)
16 Production of Child Pornography
17 (Counts 1, 2)

18 18 U.S.C. § 2252A(a)(2)(A), (b)(2)
19 Possession of Child Pornography
20 (Count 3)

21 The Grand Jury charges:
22 COUNT 1

23 On or about August 7, 2020, in the Eastern District of Washington, the
24 Defendant, JOSEPH THOMAS SCHMITZ, did knowingly employ, use, persuade,
25 induce, entice, and coerce and attempt to employ, use, persuade, induce, entice,
26 and coerce a minor child, Minor 1, to engage in sexually explicit conduct, for the
27 purpose of producing any visual depiction of such conduct, knowing and having
28 reason to know that such visual depiction would be transported and transmitted

1 using any means and facility of interstate and foreign commerce, in and affecting
2 interstate and foreign commerce, and such visual depiction was to be produced
3 using material that have been mailed, shipped, and transported using any means
4 and facility of interstate and foreign commerce and in and affecting interstate and
5 foreign commerce by any means, including by computer, in violation of 18 U.S.C.
6 § 2251(a), (e).

7 COUNT 2

8 On or about February 14, 2021, in the Eastern District of Washington, the
9 Defendant, JOSEPH THOMAS SCHMITZ, did knowingly employ, use, persuade,
10 induce, entice, and coerce and attempt to employ, use, persuade, induce, entice,
11 and coerce a minor child, Minor 1, to engage in sexually explicit conduct, for the
12 purpose of producing any visual depiction of such conduct, knowing and having
13 reason to know that such visual depiction would be transported and transmitted
14 using any means and facility of interstate and foreign commerce, in and affecting
15 interstate and foreign commerce, and such visual depiction was to be produced
16 using material that have been mailed, shipped, and transported using any means
17 and facility of interstate and foreign commerce and in and affecting interstate and
18 foreign commerce by any means, including by computer, in violation of 18 U.S.C.
19 § 2251(a), (e).

20 COUNT 3

21 On or about May 3, 2021, in the Eastern District of Washington, the
22 Defendant, JOSEPH THOMAS SCHMITZ, did knowingly possess material which
23 contained one or more visual depictions of child pornography, as defined in 18
24 U.S.C. § 2256(8)(A), including images of prepubescent minors and minors who
25 had not attained twelve years of age, the production of which involved the use of a
26 minor engaging in sexually explicit conduct, and which visual depictions were of
27 such conduct; that had been mailed, shipped and transported in interstate and
28 foreign commerce.

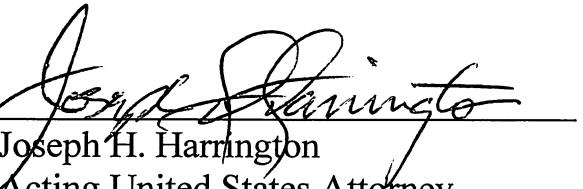
1 foreign commerce, and which were produced using material that had been mailed,
2 shipped and transported in interstate or foreign commerce, by any means including
3 computer, all in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(2).

4 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

5 The allegations contained in this Indictment are hereby realleged and
6 incorporated by reference for the purpose of alleging forfeitures.

7 Pursuant to 18 U.S.C. § 2253, upon conviction of an offense(s) in violation
8 of 18 U.S.C. § 2252A(a)(2)(A), (b)(2) and/or 18 U.S.C. § 2251 (a), (e), as alleged
9 in Counts 1 - 3 of this Indictment, the Defendant, JOSEPH THOMAS SCHMITZ ,
10 shall forfeit to the United States of America any visual depiction described in
11 section 2251, 2251A, 2252, 2252(A), 2252(B), or 2260, or any book magazine,
12 periodical, film videotape, or any other matter which contains any such visual
13 depiction which was produced, transported, mailed, shipped or received in
14 violation of this chapter; any property, real or personal, constituting or traceable to
15 gross profits or other proceeds obtained in such offenses; and, any property, real or
16 personal, used or intended to be used to commit or to promote the commission of
17 such offenses, or any property traceable to such property.
18

19 DATED this W^m day of July 2021.

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